

# Western Carolinian.

It is even wise to abstain from laws, which, however wise and good in themselves, have the semblance of inequality, which find no response in the heart of the citizen, and which will be evaded with little remorse. The wisdom of legislation is especially seen in grafting laws on conscience.

Dr. Channing.

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## SPEECH OF MR. McDUFFIE,

Against the Prohibitory System.

(Continued.)

This, Sir, disguise it as gentlemen may, is it the true question involved in the protecting system. The tariff States would permit every establishment within their limits to sink into utter ruin, before they would levy taxes from their own citizens to nourish and sustain them. That would be too plain and palpable a proceeding. It would instantly open the eyes of the people to the true character of the protecting system. It would tear off from the monster the veil which conceals its horrible deformity, and break its insatiable charm for ever. If the protection afforded to the manufacturers by this Government were entirely withdrawn tomorrow, I do not believe there is a State Legislature in the Union, that would dare to substitute an equivalent protection in the form of pecuniary bounties, drawn from the people of the States and appropriated from the public Treasury. Nothing that could be possibly suggested, in the way of argument, would exhibit the palpable injustice of this system in so strong a light as the course pursued, in this respect, by the Legislatures of the tariff States. Would any man believe, Sir, that the Legislature of a sovereign State would memorialize Congress to protect the manufactures of that State, by imposing restrictions and duties upon the commerce of other States, when that Legislature, having the admitted power to protect those manufacturers, utterly neglects to do it? Yet such was the conduct of the Legislature of Massachusetts; and such is substantially the course pursued by the Legislatures of all the tariff States.

I have, thus far, considered this system as involving constitutional perversion of the power to regulate foreign commerce, with a view to bestow indirect bounties upon the manufactures of certain States, by imposing taxes and restrictions upon the commerce of certain other States. I will now invite the attention of the Committee to some considerations calculated to shew that it involves a violation, of the great and fundamental principles of civil and political liberty. There is not one of those principles of more vital importance, or more absolutely consecrated by all the historical associations of both Great Britain and the United States, than that which secures the people against all taxes and burthens not imposed by their own representatives. This principle, indeed, is essentially involved in the very notion of self-government. Now, Sir, owing to the federative character of our Government, the great geographical extent of our territory, and the diversity of the pursuits of our citizens in different parts of the Union, it has so happened that two great interests have sprung up, standing directly opposed to each other. One of them consists of those manufactures which the Northern and Middle States are capable of producing, but which owing to the high price of labor and high profits of capital in those States, cannot hold competition with foreign manufactures without the aid of bounties, directly or indirectly, given either by the General Government or by the State Governments. The other of these interests consists of the great agricultural staples of the Southern States, which can find a market only in foreign countries, and which can be advantageously sold only in exchange for the foreign manufactures which come in competition with those of the Northern and Middle States. It follows, as a necessary consequence, that it is the interest of the manufacturers in the Northern and Middle States to prohibit, by heavy taxation, the importation of those foreign manufactures, which it is as undoubtedly the interest of the Southern planters to import as free from taxation as possible. These interests, then, stand diametrically and irreconcilably opposed to each other. The interest—the pecuniary interest of the Northern manufacturer—is directly promoted by every increase of the taxes imposed upon Southern commerce; and it is unnecessary to add, that the interest of the Southern planters is promoted by every diminution of the taxes imposed upon the productions of their industry. If, under these circumstances, the manufacturers were clothed with the power of imposing taxes, at their pleasure, upon the foreign imports of the planter, no doubt would exist upon the mind of any man, that it would have all the characteristics of an absolute and unqualified despotism. It will be my purpose, then to show that we are

manufacturing capitalists have obtained a complete and permanent control over the legislation of Congress, on this subject. A great number of causes have contributed to give the manufacturing interest this ascendancy. The prominent and leading cause, is beyond all doubt natural influence of accumulated capital in the hand of a comparatively small number of men, acting with the sagacity, perseverance and concert, for which they are invariably distinguished, in matters affecting their own pecuniary interests. It is a melancholy fact, to which all history bears the most unequivocal testimony, that whenever society becomes so far advanced in commerce and the arts, as to have pronounced a considerable accumulation of capital, the holders of that capital are perfectly irresistible on all those questions in relation to which the action of the government is brought to bear upon the great pecuniary interests of society. Every one knows that there was a time, not very remote, when the great and leading feature in the policy of this government, was to favor and foster, by every species of exemption and bounty, the navigating and commercial interests of the nation. I need hardly add, that at the period to which I allude, almost the whole of the accumulated capital of the country, was embarked in the business of navigation and commerce.

But as soon as this capital was transferred to the business of manufactures, the whole policy of the government, and the political principles of an entire region of country—on the subject of free trade and commercial restrictions—underwent a corresponding change. One would almost imagine, who had been long enough in Congress to have witnessed this extraordinary political transmutation—that the New England Members of Congress were sent here as the representatives of capital, and not of numbers, so implicitly have they followed its direction.

Sir, no man of the slightest observation can be insensible of the influence of large capitalists upon the members of this House, on all questions affecting their pecuniary interests. It is not to be disguised, that two or three wealthy iron-masters in a Congressional District, will exercise more influence over the representative here, than all the rest of his constituents united, upon the question of increasing or diminishing the tax upon foreign iron. The same is equally true as to the sugar planters, salt makers, and manufacturers of cotton and woolen fabrics. It is not a difficult matter to account for this influence of capital, employed in Manufactures. I do most confidently believe, that two or three large establishments, carried on by white laborers who were entitled to vote at elections, would be an overmatch for all the other interests in any Congressional District in the Union. I have seen enough, even in my own district, to convince me that even that forms no exception to the general rule I have laid down.

What number of farmers, scattered over the country, and unaccustomed to combination, could resist the influence of three large manufacturing capitalists, each having three hundred free laborers in his employment entitled to vote?—Upon any question affecting the interest of the manufacturers, three thousand farmers would hold no competition with them. In the first place, there would be a perfect unity of action among the capitalists themselves on the question, for example—vital to their own interests—of inducing Congress to give them a bounty, or impose a prohibitory duty having the same effect. In the second place, all the laborers in their employment would, upon the most obvious principles of human action, give their votes in such a way as to gratify the wishes and promote the interest of their employers. This would indeed be their own interest. In the third place, a considerable number of farmers and other persons in the vicinity of these manufacturing establishments, would find a market for a great number of agricultural productions, which would otherwise be of scarcely any value to them. All these causes would produce a perfect unity of action, amongst this large number of voters, directly and indirectly connected with the manufacturing establishments, and all their efforts in political contests would be directed to a single object—the project—the protection of the manufacturer in which they were engaged or interested. Whatever division might take place among other interests of the district, you would never find the manufacturers divided. Every candidate for popular favor would be made to understand, that the consolidated vote of this manufacturing interest would be given against him, unless he would promise to support their applications for the bounty and protection of Congress. In this manner it would come to pass, that the contest between the manufacturer

and the farmer would be like that between regular soldiers and untrained militia-men, in which superior discipline would overbalance superior numbers. Men confederated together upon solid and interested principles, whether in our suit of the Offices or the bounties of Government, are ever more active and vigilant than the great majority, who act from disinterested and patriotic impulses.—Have we not witnessed it on this floor, Sir? Who ever knew the tariff men to divide on any question affecting their confederated interests? If you propose to reduce any one of the duties, no matter how obvious the expediency of the reduction, they will tell you, if not in plain words, at least by their conduct, that the duty you propose to reduce is very oppressive and unjust, as in the case of salt; or very absurd and suicidal, as in the case of raw wool; but that if you reduce either of these duties, a proposition will be made to reduce some other, and then some other, until the whole system of confederated interest will be shaken to its centre. The watchword is stick together, right or wrong, upon every question affecting the common cause. Such, Sir, is the concert and vigilance, and such the combinations by which the manufacturing party, acting upon the interests of some, and the prejudices of others, have obtained a decided and permanent control over public opinion in all the tariff States. All the Representatives of those States, however decidedly opposed in principle, to the prohibitory policy, are constrained to regard the interests of the manufacturers as that of their constituents at large. No man, Sir, from a manufacturing district, would dare to vote against any measure, however unjust and oppressive, if it be only deemed beneficial to the manufacturers, and denominated a tariff.

\* In addition to the reason I have stated, for regarding the manufacturing as the controlling interest in the tariff States, I will add another, which every reflecting man will duly appreciate. The manufacturers in their applications to the General Government, naturally enlist the sympathies and prepossessions of the States and sections of the Union to which they belong. The question of granting relief, for example, to eight or ten manufacturing establishments in Massachusetts, would be evidently regarded as a State question, though not ten thousand people should be directly or indirectly interested in it; and the member of Congress who should oppose it, would be deemed to have deserted the interest of his own State. There is another consideration, still more decisive. The relief sought by the manufacturers is to be obtained by imposing burthens and restrictions upon the commerce of other States, and remote sections of the Union. All classes, therefore, in a manufacturing State, will naturally take sides with the manufacturers, in regard to all those measures which propose to advance the interests of those manufacturers, by taxing the commerce of the Southern planters. Viewing it as a sectional question, there can be no doubt, that the aggregate interest of the State would be promoted by such a measure, however inconsiderable the number of manufacturers. It is, indeed, the interest of Massachusetts to protect any of her manufacturers, however small the number, and however heavy the imposition necessary to effect it, if the benefit, however small, accrues to her citizens, and the burthen, however great, falls upon the citizens of other States.

The unanimity with which the members of this House vote, even for private claims coming from their own States—when scarcely any body else can perceive any justice in them is a commentary upon what I have been saying, which every gentleman will know how to estimate.

On all questions to be decided by Congress, therefore, affecting the interest of the manufacturers, or any of those associated interests, which the persons concerned are pleased to denominate domestic industry, I am constrained to regard the policy of the tariff States as fixed and unsatisfactory; as much so, as if the representatives of those States were chosen exclusively by the manufacturers themselves, and sent here as their special agents, acting under instructions.

What, then, becomes of the great principle of liberty, to which I have adverted—which secures the people against any burthen of taxation not imposed by their own representatives? Is it not absolutely annulled—nay, is it not completely reversed, as to the people of the Southern States, in all cases involving the interest of the manufacturers and the policy of the protecting system? Is not the majority of Congress composed of the representatives of those who have a direct and positive pecuniary interest in imposing taxes upon the people of the Southern States, in the form of high and prohibitory duties upon their lawful commerce,—

the product of their honest industry? Does not that majority declare it to be its interest, and avow it to be its object, to pursue this system of prohibitory duties until the whole of that commerce which gives value to the agricultural productions of the Southern States, and without which our fields would be left desolate, shall be utterly and absolutely abolished? It is not many days since I heard an honorable gentleman from New York express the opinion, that in less than ten years—probably in half the time—the whole of those foreign manufactures which fall within the purview of the prohibitory policy, and which are the only articles the Southern planters can receive, to any tolerable extent or with any sort of advantage, in exchange for their staples, would cease to be imported, leaving not a vestige of that important branch of our foreign commerce. There is too much reason to believe, Sir, that this opinion is well founded. When the tariff of 1828 shall have reached its maximum, and the rigorous enforcement of the duties shall be secured by the bill on your table, I have no doubt you will have provided a system, which will accomplish the work of entire prohibition, in the time limited by the member from New-York to whom I have alluded.

It is in vain, then, that the people of the South attempt to palter with this question, or to disguise any longer the sad reality of their condition. They have no security against taxation, but the will of those who have a settled interest and fixed determination to increase their burdens; they have no rights of property, no title to that commerce which gives the principal value to the productions of their industry, which they do not hold by the same miserable and degrading tenure. They are, to all intents and purposes, the slaves of Northern monopolists. If I were called upon to give a definition of slavery, I could not use language more appropriate, than that which should accurately describe the condition of the people of the Southern States.

There is no form of despotism that has ever existed upon the face of the earth, more monstrous and horrible than that of a representative government acting beyond the sphere of its responsibility.—Liberty is an empty sound, and representation worse than a vain delusion, unless the action of the Government be so regulated that responsibility and power shall be coextensive. How, I would be glad to know, under what responsibility the majority of this House act, in imposing burthens upon the industry of the Southern people, and in waging this merciless warfare against their commerce? Are they, in the slightest degree, responsible to those upon whom they impose these heavy burthens? Have they any feelings of common interest, or common sympathy, to restrain them from oppression and tyranny? Does the system of prohibitory duties, which falls with such a destructive power, upon the dearest interests of the Southern people, impose any burthen, or inflict any injury at all, upon the constituents of that majority by which it has been adopted?

The very reverse of all this, is the truth. The majority which imposes these oppressive taxes upon the people of the South, so far from being responsible to them, or to those who have any common interest or common sympathy with them, in relation to the matter, are responsible to the very men who have been, for the last ten years, making the welkin ring with their clamors for the imposition of these very burthens. Yes, Sir, those who lay the iron hand of unconstitutional and lawless taxation upon the people of the Southern States, are not the representatives of those who pay the taxes, or have any participation in it, but the representatives of those who receive the bounty and put it in their pockets.

Can there be a more gross, monstrous, and insulting mockery, than to tell my oppressed and outraged constituents, that their rights are secured by the principle of representative responsibility? It would be just as rational to talk about the responsibility of a Roman Emperor, to the Pretorian bands by whom he was elevated to the throne, as a security against plundering the subject provinces for the purpose of paying the stipulated donatives by which he had purchased the Empire.

The very principle of representative responsibility, when the government is thus thrown from its balance, becomes itself a principle of the most despotic tyranny. It would be far better for the Southern people, so far as this tariff policy is concerned—and as God is my judge I would prefer it—that the majority of Congress should be responsible to no earthly power, than that they should be responsible to the very persons who have the deepest interest of all the people on earth—in the taxation and oppression of

the Southern people. Sir, these things cannot, must not be. It is utterly impossible that such a state of things can be permitted to continue, in a land where liberty—constitutional liberty—is endearred by so many glorious associations.

I am aware, Mr. CHAIRMAN, that the answer given to all this will be, that it is the right of the majority to govern, and the duty of the minority to submit.—There is no political principle more undeniable true, in all the cases to which it properly applies. But it is subject to two very important limitations in our federal system of Government, growing out of the constitutional compact, and founded upon the principles of natural justice. In the first place, the majority cannot rightfully do any thing not authorized by the constitutional charter. The great object of a written constitution is to restrain the majority. It is founded upon the idea that an unchecked majority is as dangerous as an unchecked minority. I believe, when cut loose from the moorings of an effective and real responsibility, it is more so. But of that hereafter.

In the second place, the right of the majority to govern, in a political system composed of confederated sovereignties and extending over geographical subdivisions having diversified and conflicting interests, must be limited to these cases where there is a common interest pervading the whole confederacy. This is a limitation growing out of the very nature and object of the compact, even upon the exercise of powers expressly granted.—The submission of interests which are essentially adverse to the control of a common government, necessarily involves the destruction of one or the other of them. This is the foundation of the checks and balances, even of consolidated governments, and of the partition of power, among distinct sovereignties, in this confederacy.

It is contrary to the clearest principles of natural justice, that the majority—merely because they have the power—should violate the rights and destroy the safety of a peculiar interest of the minority. This would make power and right synonymous terms. The majority have no natural right, in any case, to govern the minority. It is a mere conventional right, growing out of necessity and convenience. On the contrary, the right of the minority to the enjoyment of life, liberty and property, without any unjust interference on the part of the majority, is the most sacred of the natural rights of man.

When the great antagonist interests of society become arrayed against each other, particularly when they are separated by distance and distinguished by a difference of climate, character and civil institutions, the great object of the Government should undoubtedly be, not to become the partisan of either of those interests, but to interpose its power for the purpose of preventing the stronger from destroying the weaker. Instead, however, of assuming this attitude—instead of restraining the major interest from doing this act of injustice and oppression—this Government degrades itself into the character of a partisan of the stronger interest and an instrument of its oppression. It cannot be otherwise. Sir, as long as the majority in Congress, being nothing more than the agent of the major interest in the confederacy, assumes the power of arbitrarily and unjustly appropriating to its own use, the rightful and exclusive property of the minority. The majority can have no such rightful power. It is neither more nor less, stripped of the disguise thrown around it by the empty forms of legislative proceeding, than downright swindling and robbery—crimes which, in any civilized country in the world, would subject the individual perpetrator to infamous punishment. What human power can confer upon one set of men, however numerous, the right to commit such an outrage upon another set, however few in number? Will any advocate of the tariff policy admit that ten men have any greater right to rob him of his property, than he has to rob the ten of theirs? Yet this would be a legitimate consequence of admitting that a majority of Congress have an unlimited uncontrollable right to dispose of the property of the minority.

(To be continued.)

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CATCHING A TARTAR.

An Irish soldier, once returning from battle in the night, marching a little way behind his companion, called out to him, "Hollo, Pat, I have catch'd a Tartar!" "Bring him along then!"

"Ah, but he won't come." "Why then come away without him?" "By Jesus, but he won't let me!"



governed is the worst which, with the forms of a free, has the ends of an arbitrary government. Whether ours has reached this condition, let the signs of the present crisis determine."

We lament the want of room to insert his letter, which was called forth by continued and unceasing misrepresentations of the motives which led to a change of his views. His present opinions are the result of a conviction that the plenitude of power assumed by the general government would lead to a subversion of the Union.

Once more, and we trust in sincerity for the last time, we must obtrude a notice of ourselves upon the public. We observed in the last *Catoctin Journal*, the publication of a statement made by one of the magistrates who sat in judgment upon us, when charged by Mr. Martin with a supposed libel upon his character, in which our veracity is directly and openly impeached. We know such to be the design of the publication, and were we of a contentious and unyielding temper we might have the person who procured its publication arrested for a Libel. But we scorn a resort to the law in such a case. Whilst we have the moral courage to defend ourselves we will never call in the aid of that most powerful mediator, the law, to right us, right or wrong, as the law of libel does—but we appeal to truth and are willing to trust our cause to her unerring decision. The publisher of that statement, (and who he may be, let our readers only make a *shrewd guess*, and we will lay a wager upon it, they will hit the nail upon the head) would pass the opinion off, as current, that Mr. Martin was not considered the prosecutor in his prosecution against us for a libel. The statement purports to have been made by one of the magistrates (we will not pretend to say which) which makes it incumbent upon us to unfold to our readers in what light the magistrates viewed him, both pending the trial, and at the winding up of the case before them.

We give the following extract from the recognition which bound us over for our personal appearance at the coming Superior Court, which was written by one of the magistrates, and read to the other to which he gave his assent, to prove that they both viewed Mr. Martin as the prosecutor. Extract from the recognition, as follows: "and answer to the state on a charge of libel for a publication in the Western Carolinian, where Jas. Martin (Judge of the Superior Court) is PROSECUTOR." Who wishes to practise a deception, we or the publishers of that paper? Let words speak for themselves.

In addition we give the certificates of Mr. Reeves & Mr. Slater who were present, and heard the witness sworn by the magistrates, who in administering every oath, called Mr. Martin the prosecutor. With these facts, which we published before, and which are now corroborated and fully established by record evidence, and the disinterested assertions of several of the most respectable citizens of this place, we leave the affair to be judged of by our readers. We will barely add that all the sophistry of Mr. Martin cannot make the plain and unvarnished sense of the people believe that he is not prosecutor, and we declare him to be such in the face of the whole world.

SALISBURY, Aug. 30, 1830.

Called upon by Messrs. Jones & Craigie to state what actually occurred upon their trial, at which I was present as a witness, I have to say that, although Judge Martin in when styled prosecutor by those gentlemen, said he was not the prosecutor, yet the magistrates who swore the witness so called him, and at the conclusion of the trial, the magistrate who wrote the recognition and read it to the other, named Judge Martin as the prosecutor, which will be found in the recognition if examined. Given under my hand this 30<sup>th</sup> day of August, 1830.

SAML. REEVES.

I acted as the Sheriff, and was present at the trial of Messrs. Jones & Craigie, and concur with the above statement of Mr. Reeves.

F. SLATER.

*West India Trade*—It is rumored that the West India ports are to be opened to the commerce of the U. S. in September next, upon certain limitations and restrictions. The fact is said to have been communicated by letter from the Provincial agent in Europe to a merchant of St. Johns, and brought from thence here.

The opening of the West India trade is much to be desired on the part of the U. S. but we trust that nothing may be done on the part of our minister at the Court of St. James to procure that trade which may in any shape compromise the honor of this nation. If we wish to stand fair and preserve our ascendancy over the nations of Europe we must not give back one inch.

We would earnestly recommend the communication signed "Brougham" to the attention of our readers, if for nothing more, at least for the many truths it contains. None of us who have studied law, but must be forcibly struck with the impropriety, and we might add, folly of placing several folios of English black letter law into the hands of a student who designs to make this country of Republican simplicity the theatre of his practice. We agree with "Brougham" that it is due to the importance of the subject to make the experiment, and try if one, who is not burdened with so much lifeless information, will not make a better advocate, than he who shall have mastered every treatise upon the law of real estate in England.

## A DIARY.

There were a pair of stocks on each side of a squire's gate. The squire having ordered his vagabond to be confined in one of these places of "airy custody," found, upon examination, one safely secured to the other. Upon enquiry of the constable whose duty it was to take charge of those confined in the stock, he replied, "that as there were two pair of stocks, one on each side of the road, it would not look well to see one filled and the other empty, and so he had caught the first stranger that passed, and thrust him in just for the sake of uniformity."

Surely Southworth of the Rhode-Island Literary Subaltern must be the most bare-faced liar in Christendom if he is in his right senses. He says he saw a brace of noblemen gently horsewhipped, one of whom had left this country and was in France long before the time, and the other quietly inured in England. And yet he saw these men horsewhipped!

The Richmond Whig nominates Col. Drayton as a candidate for the Vice Presidency to be supported by the friends of Mr. Clay. The one a staunch friend of the constitution and State Rights—the other their most bitter enemy. How badly paired?

The majority for Jackson in Kentucky is now certain. In Mr. Clay's own district the Jackson candidate came within 14 votes of being elected over Mr. Clay's particular friend, Crittenden. It is said the election will be contested.

William Curtis was detected in Boston in the act of stealing the Courier from the door of a dwelling house. He was committed to prison for ten days. He must be a rogue indeed who steals a newspaper in this land of newspapers.

The appearance of the same brilliant meteor which was seen between 9 and 10 o'clock, in this place on Monday night, some weeks back, was observed both North and South of us. A bright stream of light was left in its track as it passed rapidly to the South East of us.

*Sam Patch has arisen from the dead.*—Mr. Parker, a veteran of the last war, in presence of about an hundred people, jumped from the railing of the Great Bridge into the water; the feat would probably have been repeated, but the attention of the crowd was diverted. Mr. Parker says he saw Sam Patch jump, but thinks he was foolish to "jump so high." Mr. Parker is to take another leap shortly says the Providence Journal.

Mr. Wirt's Oration before the literary societies of Rutgers college is said to be a most eloquent and masterly production. It more than equalled the expectations of the audience. That is saying all. We hope to see it published.

It is said that the occasion of the delay in swearing in the Duke of Norfolk, as Privy Counsellor, was the difficulty of finding a testament in the Palace. 'Tis not saying much for the late King's Christianity.

The report that the venerable patriot of the Revolution, Chas. Carroll of Carrollton was dead, is without any foundation. The Baltimore American represents him as being in good health.

A lad who was carried before a justice of the peace, charged with having stolen two pigeons found in his possession, responded to the charge that he had some corn in his pockets, and when he opened his pockets the pigeons saw the grain and flew in to eat it.

A mad in Pennsylvania, who was confined in jail on charge of larceny, made a narrow escape from his confinement by crawling through the stone pipe hole.

Two men escaped from prison in Louisiana by *augering* their way through the walls. The New Orleans Republican says, that such a mode of escape, is considered "in those parts an unconscionable bore," and which no man could be guilty of *perforating*, except he could crawl through an *anger-hole*.

A mother who was about to burn at the stake on a charge of witch craft, called to her son for a drink of water. The son cried "Oh! no mother! the drier you are, the better you will burn."

Information has been received at the Department of State, that a treaty between the United States and the Sublime Porte was signed at Constantinople in May last.

The returns from Missouri, give a majority favorable to the present administration. Every effort was made by the Clay party to get the ascendancy in the State, but republicanism gained a glorious triumph.

Some men in Boston mistook a shoal of porpoises four or five miles long for a seaserpent. What a blunder?

Authentic intelligence has been received at New-York that Algiers has fallen! The Turks have retreated into the interior of the country. The loss was considerable on both sides. No particulars are given.

The secretary of the *Anti-slavery* agitation was lodged in the watch-house in Philadelphia. The complaint against him was that he had rung the bell at a citizen's door. He was discharged upon his *privilege*. It may be now, his lover was domiciled there and that he wished to sing her a song, or play her a tune. The Europeans are all romantic.

The returns from Louisiana give the Jackson ticket a large majority over the Clay ticket. It makes our heart leap for joy when we hear of the triumph of republicanism.

## IN THE WESTERN CAROLINAS.

In our country, more than in any other, governed by similar institutions, prevail the most singular and irrational notions relative to the mode of pursuing the study of the science of the law. In every other independent country, the manner and the matter of that study, is suited to the genius of the Government. In ours it is a fact, greatly to be lamented, that we depend too little upon ourselves for a digest of laws, selected for their peculiar adaptation to the liberal institutions which form the *summum bonum* of our United Republic, and copy too much from the English Jurisprudence. The writer is well aware that we are indebted to the English Nation for all the material principles of our laws, but he complains, and confines his remarks solely to the well known and acknowledged fact, that we are too indiscriminate and evince too little judgment in our choice of those legal regulations, under the administration of which, England, owing to the peculiar tenure of her lands, has enjoyed as much judicial independence, as can be found in any quarter of the globe. But we are not similarly situated with the people of the Island of Great Britain: We do not live under the same form of government, and we hold our landed estates under a different tenure. Why then preserve the old forms and principles of feudal law which are even antiquated in England at this time? And why require of the student, who stands for his examination, that he shall be thoroughly acquainted (or even partially so, if it does not comport with the character of his genius to toil over so much nonsense, which has no other merit to attract his attention, than the veneration it bears towards every thing which has been handed down to us by our progenitors) with so much useless matter.

Say even that we ought and shall preserve those forms of the law of England touching real estate, which are at present used and practised upon us, is it necessary that the student should be equally well acquainted with those which are not practised, as those which are in common use? But say the friends of strict old English forms, it is essential to a well understanding of the latter, that they should be properly skilled in the former. Is there then any natural or inseparable connection between these arbitrary rules of feudal derivation? The writer has never yet been able to discover any. The laws of real property in this country have been very much simplified, and we could wish to see them yet more so. But will any reasonable person pretend, that, in order to understand properly the nature of the action of ejection and to prosecute it with effect, he should be versed in the absolute modes, whose use preceded that action?

Of what avail is it for a young man who has passed over this extensive barren field, without culling a single flower, or discovering a valuable production, to exhibit the dry unfruitful earth sticking to him so loosely, the very sight of which is sickening and disheartening. In England, where the forms of the law are arbitrary and complicated, we will admit the necessity of a vigilant research into all the obsolete doctrines of real property. Lord Coke strongly recommends it to the students of English law—but can any, in this country, who mean to practise here, stile themselves students of English law? If not, then is Lord Coke's advice bad counsel when followed by us, and those who blindly pursue it, are unskillful and undiscerning, and employ the minds of young men upon studies from which, in youth, they cannot reap any advantage, whilst the practise of the law is left unnoticed and neglected. Why not strive to make practical lawyers of young men *ab initio*, and not suffer them to be thrown upon the world, without any of that solid information, which they can turn to their immediate advantage, and which cannot fail to yield them, with industry and application, a good and sufficient support.

We cannot account for the backwardness and frequent failures of young men, at the bar, in any other reasonable manner. Two thirds of those who do pursue that unprofitable course of study become disgusted with the profession, and neglect it entirely, when perhaps if rendered less dry and more interesting by the choice of the more essential branches of the law for study, we could at this day boast of double the legal reputation we have. Many of our most distinguished men have laboured to bring about an entire simplification of our laws, and we hope to see their exertions crowned with success if the march of science and improvement keeps pace with the march of intellect.

The plan of forming a general digest of American law has received the sanction and support of some of the most enlightened jurists of our country, and we have no question it will one day prevail over the objections which have been opposed to it. We might with great advantage and propriety retain all the great principles of the law of contracts, without any modification or abridgement, since the writer believes that that body of laws is entirely unexceptionable. The writer would not complain of the mode of study prescribed by preceptors to their law-stu-

dents, did they not require such exclusive devotion to the laws of real property.

The writer of this article thinks it due to the subject to make the experiment—to require, only, that the student of law shall give his attention to so much of the law of real estate in England as is actually practised and recognised as law in this country. Even in England they are struggling at this moment to throw down that unwieldy mass—that *ratio legis* *que motes* of the laws of real estate, and to substitute in its stead a regular, simple and beautiful system of laws to guide and direct their Judiciary in decisions upon disputed questions relative to real estate. As the case now stands the Judges make the laws and then decide upon them. The litigants are kept in as much doubt and uncertainty as tho' the decree in their case was to be ascertained by a turn of the wheel of Fortune. Altho' the adjudications in this country are not quite so uncertain, yet we must say that the rules upon which they are decided have no reason and justice for their foundation, but are based entirely upon flimsy, arbitrary and assumed principles.

BROUGHAM.

*Decision of Character.*—R—solution is omnipotent. Determine that you will be something in the world, and you shall be something. Aim at excellence, and excellence will be attained. This is the great secret of eminence. *I cannot do it, never accomplished any thing.*—*I will try, has wrought wonders.* You have all, perhaps, heard of the young man who having wasted, in a short time a large patrimony in profligate revels, formed a purpose, while hanging over the brow of a precipice from which he had thrown himself, that he would regain what he had lost. The purpose thus formed he keeps; and although he began by shovelling a load of coal into a cellar, he proceeded from one step to another, till he had more than recovered his lost possessions, and died an inveterate miser, worth eighty thousand pounds. I mention this not as an example to be imitated, but as a signal instance of what can be accomplished by fixed purpose and persevering effort. A young man who sets out in life with a determination to excel, can hardly fail of his purpose. There is in this case a steadiness of aim—a concentration of feeling and effort which gives irresistible energy, and renders success, in whatever he undertakes, certain.

*Royalty from a Brewhouse.*—During the reign of Charles the First, a country girl came to London, in search of a place as servant maid, but not succeeding, she hired herself to carry out beer from a brewhouse. The brewer observing a good looking girl in his occupation, took her into his family as a servant, and shortly after married her; but he died whilst she was yet a young woman, and left her the bulk of his fortune. The business of the brewery was dropped, and the young woman was recommended to Mr. Hyde, as a skillful lawyer to arrange her husband's affairs. Hyde (who was afterwards the great Earl of Clarendon, finding the widow's fortune considerable, married her. Of this marriage there was no other issue than a daughter, who was afterwards the wife of James the Second, and mother of Mary and Anne, Queens of England.

*A full length likeness of John Quincy Adams has been presented to Harvard College, by the executors of the late Mr. Boylston, of Boston. The head was painted by Stuart, and subsequently to his death, Mr. Sully was employed to finish the figure.*

*Appointment by the President.*—James W. Ripley to be Collector of the Customs for the District, and Inspector of the Revenue for the port of Passamaquoddy, in the State of Maine, vice Leonard Jarvis, resigned.

## Obituary.

Married, in Montgomery county, N. C. on the 26th ult. by Wm. Harris, Esq. Mr. James Smith to Miss Elizabeth Freeman.

## DIED.

In Davidson county, N. C. on the 18th ult. Peter Smith, Jr. aged 40 years 3 months and 12 days.

On the 23d ult. in this county, on Rocky River, of a fever, Mr. Peter Wintford, aged about 27 years; and has left a widow and 3 small children to bemoan their bereaved state.

## THE MARKETS.

*Salisbury Prices.* Sept. 4.—Cotton fin seed \$2, clean \$2, corn 65 to 75, flour 95 to 86, beef 3 to 3½, bacon 8, molasses 45, lard 8, salt 1.12, sugar 11 to 12, coffee 12 to 14, tea 1.12, salt 3 to 3½, bacon 8 to 12.

*Charleston, August 23.* Cotton 90 a 11½, flour 5½ a 5½, whiskey 25 a 26, bacon 7 a 8, ham 8 a 10, best kind of haggis 18 to 20, salt 45 a 50, corn 56 a 57, coffee 12 a 13½. North Carolina bank bills 2 per cent discount; Georgia, 2½ per cent premium.

*Payetteville, August 25.* Cotton 9 a 10, flour 5 a 5½, apples 35, corn 55, bacon 75 a 80, flour, new 4 a 4½, molasses 20 a 22, sugar 8 a 11, salt 70 a 75, whiskey 24 a 26, tea 65 a 75.

*Camden, August 26.* Cotton 9 a 10, flour 5 a 5½, out of the wagon, Camden Mills, 86 a 7 wheat 85 a 93, corn 75, oats 32, salt 60, whiskey 30 a 35, bacon 8 to 12.

## EBENEZER DICKSON, Boot and Shoe Maker!

EBENEZER DICKSON respectfully informs the inhabitants of Salisbury, and the neighborhood generally, that he has purchased out the Shoe maker's shop owned by The Rev. Mr. Jr. and that he will carry on the business as usual in the same house, where he will be glad to accommodate the old customers and such others as may choose to call on him. His work shall be elegantly and substantially executed. His materials are of the first order, and his workmen the very best that can be procured anywhere. His work shall not be excelled by any for neatness and durability.

He keeps shoes of all sizes and qualities on hand where strangers passing thro' who may wish to be supplied with shoes, boots, &c. can procure them as cheap as they can be purchased in this section of the country.

He has sent off by Mr. Geo. W. Brown, agent of this place, for a supply of Northern sole leather of the first quality.

Salisbury, Sept. 1, 1830.

337

## New Goods.

ALEXANDER & COWAN, beg leave to inform their friends and the public in general that they are now receiving and opening at their Store in Statesville, the Store formerly occupied by Messrs. Shepherd & Simmonds a general assortment of

*Fresh and Seasonable Goods*, consisting of almost every article usually kept in Stores, which were selected with great care, by W. F. Cowan of the above firm, and purchased for CASH, from the latest importations in New York, Philadelphia and New-Ark; all of which they are determined to sell as low for Cash as goods of the same quality can be purchased anywhere in this section of the State. Purchasers are respectfully invited to call and examine, hear prices and judge for themselves. Cotton and other merchantable produce taken in exchange.

They would also, respectfully present their sincere thanks to their friends and the publick for the liberal share of patronage they have heretofore received of them and hope by close attention, candid and fair dealing, to merit a continuance of the same.

ALEXANDER & COWAN.

N. B. Those owing the late firm of W. F. Cowan & Co. will please call and settle the same by cash or note, in order that they may be enabled to close that concern.

A. & C.

6mt60

## Journeymen Wanted.

THE subscriber will give good wages and constant employment to two good workmen in the Boot and Shoe making business, who can come well recommended for sobriety, industry and steady habits. JOHN BENSON.

Concord, August 31, 1830. 438

N. B. The subscriber has on hand a good assortment of leather, and expects more from the North, in a few days. He has a good assortment

## DRY.

THE WIND

The gales for while were round me—then art  
at last this poor heart racing so,  
I know not where the distant tides  
And bade the rising one's never;  
More braved the hasty gales of pride,  
Nor died a single tear;  
I could have waited on every blow  
From life's full quivering throw,  
While I might gaze on thee and know  
I should not be alone.

I should I could have brook'd  
Even for a time, that thou  
When thy fading face began looked  
With less of love than now;  
When I should at least have felt  
The ardor hope still my own,  
To bid the bark—and whilst I dwelt  
On earth, not been alone.

But then to see, from day to day,  
The brightening eye and cheek,  
And watch thy life-and waste away,  
Unnumber'd slowly, sleek;  
To meet thy smile of tenderness,  
And catch the feeble tone  
Of kindred ever breathed to bless  
And feel, I'll be alone.

To mark thy strength, each hour decays,  
And yet thy hopes grow stronger,  
As filled with heavenward trust they say,  
"Earth may not claim the longer;"  
May, dearest, 'tis too much—this heart  
Must break, when thou art gone,  
It must not be, we may not part,  
I could not live alone.

## REMOVAL.

THE subscriber respectfully informs his customers, and the public, that he has

### REMOVED HIS STORE

In a new and spacious building, just finished situated up in most elegant style, superior to any in the town: It is the stand formerly occupied by his uncle, Daniel Cress, sen.; Main street a few doors from the Court-House, West side: Where the subscriber hopes to receive calls from his old customers, and all others who are desirous of buying cheap GOODS.

### ALSO,

The manufacturing of Stills and Tin Plate Ware, heretofore conducted by Edward Cress, will hereafter be carried on by the subscriber: Who will keep constantly on hand, or manufacture to order,

### Stills, and Tin Plate Ware,

Made of the best materials, and in the most substantial and fashionable style of workmanship; and hopes, by a strict attention to this branch of business, to merit the patronage of the public.

DANIEL H. CRESS.

Dec. 4th, 1830. 17

## Negroes Wanted!

THE subscribers are desirous of purchasing one hundred NEGROES, for which they will pay a liberal price in cash. Application may be made, either by letter or in person, to JOSIAH HUIK in MORGANTON, or JAMES HUIK in SALISBURY, who will be ready at all times to accommodate those who may wish to exchange Negro property for cash.

JAMES HUIK,  
JOSIAH HUIK,

June 22d. 1830. 25

## Tailoring.

WM. J. COWAN & T. A. HAGUE  
HAVE entered into a copartnership, and taken a shop in the town of Concord, second door from the Court-House, on Main street, for the purpose of carrying on the

### Tailoring Business,

In all its various branches. They will receive quarterly the latest London, New York and Philadelphia FASHIONS; which will enable them to execute their work in the most approved style; and they respectfully request the patronage of the public.

N. B..... THOMAS A. HAGUE will continue, as usual, to carry on the above business at his residence in Iredell county, on the Beaufort's Ford Road, 21 miles from Salisbury. He will likewise carry on the business, through the agency of competent workmen, in the Shop formerly occupied by W. J. Cowan, at Wood Grove, (Cowan & Reeve's Store) Rowan county.

August, 1830. 316.

## Notice.

THE subscribers having qualified as Executrix of the last Will and Testament of Jesus Barrgrave, deceased, at the August Term of Davidson county court 1830, hereby give notice to all persons having claims, debts, dues, or demands against said estate, to present them for payment, duly authenticated within the time prescribed by law, or this notice will be plead in bar of their recovery.

JAMES WISEMAN, Esq.  
SAM'L HARGRAVE, 33rd

August 13th, 1830. 33f

All persons indebted to said Estate are requested to come forward and make payment, no indulgence can be given.

## State of North Carolina, CABARRUS COUNTY.

Superior Court of Law,

SPRING TERM, 1830.

JOHN FURR and others vs. Jacob and Gop. Furr: Petition for Partition. It appearing to the satisfaction of the Court, that the defendants in this case are not inhabitants of this state: Ordered by the Court that publication be made for six weeks in the Western Carolinian, notifying said defendants to appear at the next Superior Court of Law, to be held for the county of Cabarrus, at the Court-House in Concord, on the 7th Monday after the 4th Monday in September next, then and there to answer, or plead to said petition or the prayer of the petitioners will be granted *ex parte* and partition made accordingly.

639 DAN'L COPEMAN, c. s. c.

## CORN! CORN!!

CORN will sell very readily, in this place, at a fair price, if application be made soon. Apply at this office.

## New Fashionable & Cheap GOODS.

MICHAEL BROWN

HAS the pleasure of announcing to his friends, customers, and the public in general, that he is now opening, at his old stand in Salisbury, an elegant assortment of

New, Fashionable, & Cheap Goods, direct from the cities of Philadelphia and New York, and selected by himself, from the latest importations for the Spring of 1830: Which he offers as low as any Goods of the same quality can be bought in this market. His assortment comprises every article usually kept in Stores. Purchasers are invited to call, examine, and judge for themselves.

Salisbury, May 7th, 1830.

## Hampton & Palmer,

HAVE formed a copartnership, as Watch and Clock Makers, Silver-smiths and Jewellers, for the purpose of carrying on the business, in all its various branches, in the town of Salisbury. They occupy the New Shop, built by James B. Hampton, adjoining his dwelling—on Main street, 6 or 7 doors south of the Court-House.

They will carefully Repair all kinds of Watches, Clocks, and Time-Pieces, and warrant them to perform well: And are prepared to manufacture, and will keep on hand for sale, all descriptions of Silver Ware, such as Spoons, Ladles, Sugar Tonga, &c. Work sent from a distance will be promptly executed, and safely returned according to directions.

A good assortment of JEWELRY will be kept constantly on hand, and sold low for cash.

JAMES B. HAMPTON,

JOHN C. PALMER,

Salisbury, April 2d, 1830. 13

James B. Hampton tendered his grateful acknowledgements to the public, for the liberal patronage hitherto extended to himself individually; and respectfully asks a continuance of it to the firm of which he is a partner. N. B. Those indebted to him, are earnestly desired to liquidate their accounts, as soon as possible; as his new arrangement makes it necessary old aiores should be settled up.

Cabinet Making Business.

THE subscriber has opened a shop in the above line of business, first door above Mr. Jones' Tavern, and formerly occupied by Peter Krider, as a shoe shop; where he is prepared to furnish the surrounding country with all kinds of furniture in the above line, such as Sideboards, Secretaries, Bureaus, Corner Cupboards, Breakfast & Dinner Tables, Ladies Cribs, &c. &c.

He has in his employ two or three first rate workmen, and the best of timber, selected by himself. The subscriber hopes by due attention to business, to receive that share of patronage which merit deserves.

WILLIAM R. HUGHES.

July 12th, 1830.

A Neat Dwelling,

In the Town of Salisbury, for sale.

THIS property is pleasantly situated in the most agreeably part of the town, and in very suitable for a small family. The lot is spacious, and contains a very good garden, with much rare shrubbery. The terms can be made easy, as the most of the purchase money can be paid by note in the Bank, on the usual terms of accommodation. Persons wishing to purchase, can apply to Mr. E. Allmong, or to David F. Caldwell, Esq. (who is authorized to make title,) and the terms can be known.

H. C. JONES.

Feb'y. 20th, 1830. 08

Removal.

THOMAS DICKSON, Tailor,

RESPECTFULLY informs his customers, and the public generally, that he has removed his SHOP, to the building formerly occupied by Lowry and Templeton, and more recently by Wade W. Hampton, as a Tailor's Shop; on Main street, the west side, a few doors from the Court-House, in the town of Salisbury; where he is prepared to execute all descriptions of

TAILORING,

after the neatest fashions, and on the shortest notice; and is prepared to make all kinds of Clothing in the first rate style, having in his employ six or seven first rate workmen, which enables him to do work on the shortest notice.

All kinds of Cutting Out of Garments will be done on very moderate terms.

All orders from a distance for work, will be most faithfully executed, according to directions, and within the shortest possible time.

P. S. He has just received the latest fashions from Philadelphia and New-York; which will enable him to make fine Coats, &c. after the most approved style.

13

Salisbury, April 15th, 1830.

All orders will be promptly attended to, and

finishes in the shortest possible time.

Repairing of Gums will be done on the shortest notice, and in the most substantial manner, by the public's humble servant,

HENRY A. CLINGAMON.

Lexington, May 26th, 1830. 21

WAGONERS,

Driving to Fayetteville,

WILL find it to their advantage, to stop at the Wagon Yard, where every convenience is provided for Man and Horse, to make them comfortable, at the moderate charge of 25 cents a day and night, for the privilege of the Yard, the use of a good house, fire, water, and shelter. Attached to the Yard, are a Grocers and Provision Store, Bread Shop and Confectionary, and a House for Boarders and Lodgers in a plain, cheap, wholesome and comfortable style.—Fayetteville, April 1st, 1830.

JOHN ZIMMERMAN, Jailer.

July 19th, 1830. 29f

## New Fashionable & Cheap GOODS.

MICHAEL BROWN

Wholesale Hardware Store  
NO. 99, PEARL STREET.

Nearly opposite the Pearl Street House,

NEW YORK.

FOLGER & LAMB, are now receiving a full supply of seasonable GOODS. Their assortment comprises nearly every article in their line; which they will sell at the lowest market prices. They have on hand,

Real stag, fancy Forbuck, horn tip and white bone table and desert Knives and Forks and Carvers; table and butchers' Scells; butcher, Bread shoe Knives; a great variety of pen, pocket and two-blade Kulves; sportsman's piece Knives, Spearpoint, razorblade, and spring back pocket Knives; Sheep-shears, Scissors and Razors, shoe Pinchers and Nippers, Pliers, Carpenter's Lathe, Shoemaker's and saddler's Hammers; cooper's and carpenter's Compasses, Corn Mills, Patent Coffee Mills, bench and hand Vises, bright thumb and j pan'd Norfolk Latches, lifting Handles, nail and spike Gimblets, Sickies, Rat Traps, Waffle Irons, welded and riveted table, hinge, H and HL Hinges, pew Hinges, chest Hinges, cast Butt Hinges, flat and round Bolts, Wood-screws, iron and steel Knitting Pins, Mouse Traps, Gridrons, iron Candlesticks, pod and Screw Augers, Steel-yards; single and double handscrew Plates, Scale Beams, Knob Latches, Bed Screws, Bellows Pipes, Axes, carpenter's and coopers' Adzes; mincing Knives, Trowels, Hoes, Chisels and Gouges, Plane Irons, Drawing Knives, Saws of all kinds, Files and Rasps, composition Tea Kettles and Sauce Pans, short and long handle Frying Pans, Cow Bells, Cooks' Ladles, Brass Kettles, house and alarm Bells, Curry Combs, English and American Scythes, Straw Knives, Slates, Inkstands, Awls, Shoe Tacks, Coach Wrenches, Stump Joints, white-wash, paint, shoe, scrubbing, furniture, clothes, and dusting Brushes; cut and wrought Tacks; brass, and Ironhead Shovels and Tonge; Iron Wire, Braces and Bits, Tap Borrera, Iron Weights, Sad Irons, Toy Irons, Pins and Needles, Fish Hooks, Snuffers, and Snuffer Trays, Bread Baskets, Tea Pots, Tea Trays and Waiters, Gun Flints, Oilstones, Gun Locks, Powder Flasks, Shot Bags, Whiptongs, Combs, Commode Knobs and Rings, Curtain Pins, Escutcheons, Bedcaps, Brass Butts, Brass Nails, Brass Cocks, Tea Caddies, Window Pullies, Anvils and Vises, Trace Chains, sand Paper, Bed Keys, British and American Inkpowder, Spectacles, Box Rules, slate and lead Pencils, brass bracket and Chamber Candlesticks, bone coat and Vest Moulds, Suspender Buttons, gilt, white metal, and yellow metal coat and vest Buttons, Pearl Buttons, polished steel coat and vest Buttons, steel Tobacco Boxes, Curtain Rings, Japan'd Lamps, Cap-wire, Iron Tutania, Britania, and plated table and tea Spoons; Cork-screws, hair and tooth Brushes, Beads, French and Dutch Snuff Boxes, iron and brass Knockers, Joiners' Squares, Spoke Shaves, Spurs, brass thumb Latches, Pocket Books, knob, mortise, closet, chest, cupboard, trunk, pad, and till locks, Spades and Shovels, halter Chains, Blacking, Pocket and Dressing Combs, Tailor's and Women's Thimbles, Tenter Hooks, patent met'l Cocks, Razor Straps, Horse Cards, cotton and wool Cards, trace and leading line Rope, Bed Cords and Clothes Lines, copper Tea Kettles.

They also keep constantly on hand, a complete assortment of

Cut and Wrought NAILS, Wagon and Cart BOXES; which are sold at the Manufacturers' prices.

FOLGER and LAMB refer to Messrs. Austin and Burns, of Salisbury; and Samuel F. Gelston and Co., of Cabarrus county.

F. L.

August 1st, 1830. 30f

Committed

ON the 11th July, to the Jail of Lincoln county, a runaway, who calls himself JIM, says he belongs to James Walker of Lunenburg, Virginia, that he left his master in Georgia, where he had taken him with a drove for sale. Jim is about 30 years old, dark complected, 5 feet high, has a scar on his forehead and right arm, the former he says was cut with a rock, he has with him a fiddle and a blue cloth coat and pantaloons. The owner is requested to come prepared to law, and prove his property, pay charges and take him away.

JOHN ZIMMERMAN, Jailer.

July 19th, 1830. 29f

Rags Wanted.

A liberal price will be given, in cash, for clean linen and cotton Rags. Apply to

J. H. DE CARTERET.

Salisbury, August 1st, 1830. 31f

## New Cheap Store.

CLAYLAND & TORRENCE.

B. M. CLAYLAND and A. TORRENCE, having formed a copartnership in the mercantile Business, under the above firm, beg leave respectfully to inform the inhabitants of Salisbury and the surrounding country, that they have just returned from New-York and Philadelphia, with a beautiful assortment of

New Style, Fancy and Staple

GOODS,

which have been selected from the latest im-

portations, and will be offered at a very small

advance for cash. Purchasers are invited to call

and view their assortment.

Salisbury, April 5, 1830. 14

No longer to be "put off."

THE Notes and accounts of A. Torrence, and

A. Torrence & Co. are placed in the hands of

C. L. Torrence, for collection; and I would

advise those interested, to call on him before ten

days before May Court. A. TORRENCE.

April 17th, 1830.

Cabinet Making Business.